

REMARKS

Applicants note with appreciation the helpful comments proffered by the Examiner during the recent telephone interview. The foregoing amendment amends Claim 36. Now in the application is Claim 36, which is independent, Claims 1-34 have been withdrawn without prejudice to filing one or more continuation or divisional applications based on the same or similar claims. Claim 35 has been cancelled. No new matter has been added.

Claim Amendments

Claim 36 has been amended to replace “control means” with “a controller programmed.” Claim 36 has also been amended to improve readability and to address the Examiner’s rejection under 35 U.S.C. §112, 2nd paragraph.

Support for the amendments to Claim 36 can be found on page 7, lines 14-24 and page 20, line 32 to page 21, line 12 of the specification.

Claim rejections under 35 U.S.C. §112, 2nd paragraph

Claim 36 stands rejected under 35 U.S.C. §112, 2nd paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. More specifically, Claim 36 stands rejected for the use of the term “substantially” and for the phrase “supplying an excess supply amount of reacting gas.”

The above amendment amends Claim 36 to remove the term “substantially” and to clarify the excess supply amount of reacting gas is in addition to an equilibrium reacting gas supply amount before the variation of electrical load. In view of the amendments to Claim 36 Applicants’ respectfully contend Claim 36 is clear and definite.

Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of Claim 36 under 35 U.S.C. §112, 2nd paragraph.

Claim rejections under 35 USC § 103

Claim 36 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kimura et al. (5,964,309) in view of JP 08-214452 (Takeshi). Applicants respectfully traverse the rejection based on the foregoing amendments and the following argument.

In addition to the lack of teachings regarding capacitors noted by the Examiner, Applicants submit that the gas shortage state addressed by Kimura is different from the gas shortage state addressed by the fuel cell power supply unit of Claim 36. In Kimura, when charging is required, the fuel cell supplies not only the voltage required for the load current, but also the voltage required for charging. The fuel cell of Kimura supplies more voltage than the voltage required just for the load current, and if the fuel cell is supplied with the reacting gas just in the amount required for the load current, the system of Kimura would experience a shortage of the reacting gas. Thus, the system of Kimura is adapted to supply the reacting gas for outputting the voltage for required charging as well as the reacting gas for outputting the voltage for the load current. As such, Kimura's system prevents a gas shortage state during charging after the variation in the load.

Takeshi does not cure the factual deficiencies of Kimura. In Takeshi, the internal resistance is used to determine whether the electric double layer capacitor is in the degradation acceleration state. Takeshi is concerned with preventing the degradation acceleration state of the electric double layer capacitor and proposes a current limiting circuit to prevent the degradation. Takeshi is not concerned with determining an excess supply amount of a reacting gas.

In contrast, the fuel cell power supply unit of Claim 36 recites supplying the reacting gas in an amount which includes ~~an~~ the excess supply amount in addition to an equilibrium reacting gas supply amount *before* the variation of electrical load.

Thus for at least this reason, neither Kimura nor Takeshi alone or in combination teach or suggest each and every element of Claim 36. Accordingly, Applicant requests the Examiner to reconsider and withdraw the rejection to Claim 36 under 35 U.S.C. § 103.

CONCLUSION

In view of the above amendments and arguments, Applicants contend the pending application is in condition for allowance.

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